

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Confirmation No.: 4858
Scott Baggs Group Art Unit: 2878
Serial No.: 09/885,900 Examiner: Yam, Stephen K.
Filed: June 20, 2001 Docket No. 10004919-1
For: SPACE SAVING FLATBED SCANNER

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is in reply to the Examiner's Answer, which was mailed November 2, 2007.

Response to Examiner's Answer

Applicants continue to disagree with the Examiner's positions as to all claims presently rejected. Applicants' Appeal Brief sets forth, from a substantive basis, the reasons why the cited art does not properly teach the features that are being claimed. The rejections set forth in the Examiner's Answer simply repeat (word for word) the prior positions taken by the Examiner in the FINAL Office Action. Therefore, rather than restate or reiterate the rather lengthy bases and reasons why Applicants continue to disagree with the Examiner, Applicants repeat and re-allege herein the positions set forth in the Appeal Brief.

Simply stated, the Board should overturn all rejections due to fundamental misapplications of the cited art, as detailed in the Appeal Brief. In addition to the arguments in the Appeal Brief, Applicants briefly set forth the following additional comments for purposes of clarity.

Beginning on page 17 of the Examiner's Answer, the Examiner sets forth a "Response to Argument" discussion. This discussion is confusing, if not misleading, with respect to Applicant's arguments, so the undersigned provides the following clarification. For example, the Examiner's Answer states:

Thus, as seen in the rejection, it is evident that Examiner utilized Fig. 6 to describe the details of the flap 40 in relation to the channel, since Fig. 6 provides an enlarged view of the relationship between the flap 40 and components 10 and 21. Since the scanner configuration of the invention of Onoda is identical with respect to the prior art embodiment of Onoda with the exception of the details disclosed in Figs. 1-3, Examiner asserts that the usage of Fig. 6 to clarify a configuration which is applied to the inventive embodiments of Onoda is proper.

This portion of the Examiner's answer seems to imply that Applicants' argument relies only on the impropriety of applying the teachings of FIG. 6 with the different embodiment of FIGS 1-3. In fact, beginning on p. 6 of the Appeal Brief, Applicant addresses the entirety of the rejection. Applicants' discussion of the impropriety of mixing and matching components from the distinct embodiments was made to help illustrate one aspect of why the rejection was misplaced.

Simply stated, the Applicants and the Examiner have a fundamental disagreement as to the applicability of the cited art to the presently pending claims and the appropriateness of the rejections set forth. For at least the reasons fully set forth in

the Appeal Brief, Applicants respectfully submit that the Board should overturn the rejections of the Examiner.

No fees are believed to be due in connection with this Reply Brief. If, however, any additional fees are deemed to be payable, you are hereby authorized to charge any such fees to deposit account No. 08-2025.

Respectfully submitted,

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